

### REMARKS

Claims 30-59 are pending in this application, with claims 30, 48, 53 and 58 being independent. Claims 30, 48 and 53 have been amended, and claims 58 and 59 have been added. Support for the amendments and the new claims can be found in the published application (U.S. Patent Application Publication No. 2002/0056088) at least at paragraphs 0059-0061 and at Fig. 4. No new matter has been introduced.

Independent claims 30, 48 and 53, and their dependent claims 31, 44, 46 and 47, have been rejected as being unpatentable over Hutter (U.S. Patent No. 7,020,889) in view of Yen (U.S. Patent No. 5,991,799) and Bournas (U.S. Patent No. 6,061,679). Dependent claims 32-39, 43, 49-51 and 54-56, which depend from claims 30, 48 and 53, have been rejected as being unpatentable over Hutter in view of Yen, Bournas and Matthews (U.S. Patent No. 5,654,748). Dependent claims 40-42, which depend from claim 30, have been rejected as being unpatentable over Hutter in view of Yen, Bournas, Matthews, and Feinleib (U.S. Patent No. 6,637,032).

Independent claim 30 recites a method of providing content relevant to television programming that includes determining television programming being viewed by a viewer at a particular time and determining, based solely on the television programming, a first category of context information and a second category of context information. A determination is made whether first context information associated with the television program and categorized in the first category of context information is available for access. Conditioned on the first context information being available for access, the first context information is selected and delivered to the viewer and a determination is NOT made whether second context information associated with the television program and categorized in the second category is available for access. Conditioned on the first context information not being available for access, a determination is made whether second context information associated with the television program and categorized in the second category of context information is available for access. Conditioned on the second context information being available for access, the second context information is selected and delivered to the viewer.

In one particular implementation example, the television programming being viewed by

the viewer at a particular time is the Season Finale of Friends on NBC. A first category of context information is determined, based solely on the television programming, to be the Season Finale of Friends, and a second category of context information is determined, based solely on the television programming, to be the Friends television show. A determination is made whether context information is available for access in the Season Finale of Friends category. If context information is available for access in the Season Finale of Friends category, the context information is selected and delivered to the viewer and a determination is NOT made whether context information is available for access in the Friends television show category. Conditioned on no context information being available for access in the Season Finale of Friends category, a determination is made whether context information is available for access in the Friends television show category. If context information is available for access in the Friends television show category, the context information is selected and delivered to the viewer.

Applicants request reconsideration and withdrawal of the rejections of claim 30, and its dependent claims 31-47, because neither Hutter, Yen, Bournas, Matthews, Feinleib, nor any proper combination of the five describes or suggests the selection and delivery of context information to a viewer of television programming at a particular time by determining, based solely on the television programming, a first category and a second category of context information, determining whether first context information categorized in the first category is available for access, and conditioned on the first context information categorized in the first category being available for access, NOT determining whether second context information categorized in the second category is available for access.

Hutter discloses a system that allows a user watching a television program to select a key on a remote controller to display a title of the television program and the remaining running time, select the key again to display a description of the television program, and select the key a third time to display the start time and the title of the program that follows the television program that is currently being watched. See col. 2, lines 49-58. Hutter also allows the user to select a table information key to display information about all of the television programs currently being broadcast that are in a particular program category (e.g., "film" category). The user may select

the table information key again to display all of the television programs currently being broadcast that are in a different program category (e.g., "series" category). See col. 4, lines 24-54. Accordingly, the user may select the table information key multiple times to change from one category to another category of programs.

As best understood, the Examiner is modifying Hutter based on Yen's teachings to enable Hutter's system to provide additional content related to the watched television program from multiple different sources of content, the additional content being selected from among multiple different categories of content. Specifically, the Examiner asserts that a person of ordinary skill in the art would have modified Hutter based on Yen's teachings to include identification and retrieval of information items related to the program that is being watched by determining that these information items are related to the program being watched based on the tags or annotation information included or associated with the information items. Specifically, the tags or annotation information can specify categories of content corresponding to the information item and can be used to determine whether the information items are related to the program that is being watched. Accordingly, an information item that is deemed to be related to the program being watched based on its annotation information can be made available to the viewer.

Having expanded the information that Hutter provides to the viewer through Yen's teachings, the Examiner then relies on the search methodology of Bournas to help search for and identify the information items that are related to the television program currently being watched by the viewer. Given that the goal of such a search would logically be to identify all information items that are deemed related to the television show being watched, it would not be desirable to conduct a search wherein the availability of information items categorized in one category is NOT determined conditioned on information items categorized in another category being determined to be available. For example, if the television program being watched by the viewer is a football game between the Washington Redskins and the Pittsburgh Steelers, and the corresponding categories of information items identified as being related to the television program include "Washington Redskins" and "Pittsburg Steelers," it would not make sense for such a search to exclude determining the availability of information items categorized under

“Pittsburg Steelers” conditioned on determining that information items categorized under “Washington Redskins” are available for access. Rather, the search would determine the availability of items in BOTH categories (i.e., in both the “Washington Redskins” category and the “Pittsburg Steelers” category) and make these items displayable to the user via the category-by-category selection mechanism described by Hutter – i.e., the user simply depressing the single table information key to move from one category to the next.

Accordingly, no proper combination of Hutter, Yen, and Bournas describes or suggests the selection and delivery of context information to a viewer of television programming at a particular time by determining, based solely on the television programming, a first category and a second category of context information, determining whether first context information categorized in the first category is available for access, and conditioned on the first context information categorized in the first category being available for access, NOT determining whether second context information categorized in the second category is available for access. Matthews and Feinleib do not remedy the deficiencies of Yen and Bournas to describe or suggest this feature.

If applicants have misunderstood the Examiner’s application of Hutter, Yen and Bournas to arrive at the claim limitations, applicants respectfully request clarity in the next Office Action. Such clarity will help applicants determine whether this application is a good candidate for appeal.

For at least these reasons, applicants request reconsideration and withdrawal of the rejection of claim 30 and its dependent claims 31-47.

Independent claim 48 recites a method of providing content relevant to television programming that includes determining television programming being viewed by subscribers at a particular time and determining a first category of context information and a second category of context information based on a television program. A determination is made whether first context information associated with the television program and categorized in the first category of context information is available for access. Conditioned on the first context information being available for access, the first context information is selected and delivered to all subscribers

determined to be viewing the television program at the particular time and a determination is NOT made whether second context information associated with the television program and categorized in the second category is available for access. Conditioned on the first context information not being available for access, a determination is made whether second context information associated with the television program and categorized in the second category of context information is available for access. Conditioned on the second context information being available for access, the second context information is selected and delivered to all subscribers determined to be viewing the television program at the particular time.

For at least the reasons described above, applicants request reconsideration and withdrawal of the rejection of claim 48, and its dependent claims 49-52.

Independent claim 53 recites a method of providing content relevant to television programming that includes determining television programming being viewed by a viewer at a particular time and determining, regardless of preferences of the viewer and based on the television programming, a first category of context information and a second category of context information. A determination is made whether first context information associated with the television program and categorized in the first category of context information is available for access. Conditioned on the first context information being available for access, the first context information is selected and delivered to the viewer and a determination is NOT made whether second context information associated with the television program and categorized in the second category is available for access. Conditioned on the first context information not being available for access, a determination is made whether second context information associated with the television program and categorized in the second category of context information is available for access. Conditioned on the second context information being available for access, the second context information is selected and delivered to the viewer.

For at least the reasons described above, applicants request reconsideration and withdrawal of the rejection of claim 53 and its dependent claims 54-57.

Applicants submit that all claims are in condition for allowance.

Applicants do not acquiesce in the Examiner's characterizations of the art. For brevity and to advance prosecution, however, applicants may have not addressed all characterizations of the art and reserve the right to do so in further prosecution of this or a subsequent application. The absence of an explicit response by the applicants to any of the examiner's positions does not constitute a concession of the examiner's positions. The fact that applicant's comments have focused on particular arguments does not constitute a concession that there are not other arguments for patentability of the claims. All of the dependent claims are patentable for at least the reasons given with respect to the claims on which they depend.

The fees in the amount of \$310 for excess claim fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,



Roberto J. Devoto  
Reg. No. 55,108

Date: July 28, 2008

**Customer No. 26171**

Fish & Richardson P.C.

• 1425 K Street, N.W.

11th Floor

Washington, DC 20005-3500

Telephone: (202) 783-5070

Facsimile: (202) 783-2331